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ORAL ARGUMENT NOT YET SCHEDULED

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No. 21-7078

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IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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STATE OF NEW YORK, *et al.*,*Plaintiffs-Appellants,*

v.

FACEBOOK, INC.,

*Defendant-Appellee.*

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Appeal from the United States District Court for the District of Columbia,  
No. 1:20-cv-03589-JEB (Hon. James E. Boasberg)

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BRIEF FOR DEFENDANT-APPELLEE FACEBOOK, INC.

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March 14, 2022

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**CERTIFICATE AS TO PARTIES, RULINGS, AND RELATED CASES**

Pursuant to D.C. Circuit Rule 28(a)(1), Defendant-Appellee certifies as follows:

**A. Parties and *Amici***

Appellants in this Court and Plaintiffs in the district court are State of New York, District of Columbia, State of California, State of Colorado, State of Florida, State of Iowa, State of Nebraska, State of North Carolina, State of Ohio, State of Tennessee, State of Alaska, State of Arizona, State of Arkansas, State of Connecticut, State of Delaware, Territory of Guam, State of Hawaii, State of Idaho, State of Illinois, State of Indiana, State of Kansas, Commonwealth of Kentucky, State of Louisiana, State of Maine, State of Maryland, Commonwealth of Massachusetts, State of Michigan, State of Minnesota, State of Mississippi, State of Missouri, State of Montana, State of Nevada, Commonwealth of Pennsylvania, Commonwealth of Virginia, State of New Hampshire, State of New Jersey, State of New Mexico, State of North Dakota, State of Oklahoma, State of Oregon, State of Rhode Island, State of Texas, State of Utah, State of Vermont, State of Washington, State of West Virginia, State of Wisconsin, and State of Wyoming.

Appellee in this Court and Defendant in the district court is Facebook, Inc. (now Meta Platforms, Inc.).

After Appellants filed their opening brief on January 14, 2022 (Doc. 1930765), the following entities and individuals appeared in this Court as *amici curiae* for Appellants:

- United States of America;
- American Antitrust Institute;
- Committee to Support the Antitrust Laws;
- Daron Acemoglu, Cristina Caffarra, Gregory S. Crawford, Tomaso Duso, Florian Ederer, Massimo Motta, Martin Peitz, Thomas Philippon, Nancy L. Rose, Robert Seamans, Hal J. Singer, Marshall Steinbaum, Joseph Stiglitz, Ted Tatos, Tommaso Valletti, and Luigi Zingales; and
- Lloyd Constantine, Harry First, Aaron Edlin, Andrew Chin, Andrew I. Gavil, Andrew Rossner, Anne Schneider, Barak Richman, Barak Y. Orbach, Charles G. Brown, Christopher L. Sagers, Dan Drachler, Darren Bush, Don Allen Resnikoff, Edward Cavanagh, Fox Eleanor, Ellen Cooper, George Sampson, James Tierney, Jeffrey L. Harrison, John B. Kirkwood, Joshua P. Davis, Kevin J. O'Connor, Marina L. Lao, Maurice Eitel Stucke, Norman W. Hawker, Pamela Jones Harbour, Paul F. Novak, Peter C. Carstensen, Rebecca Haw Allensworth, Robert Abrams, Robert H. Lande, Samuel N. Weinstein, Steven M. Rutstein, Susan Beth Farmer, Tam B. Ormiston, Thomas Greaney, Thomas J. Horton, and Warren S. Grimes.

**B. Rulings Under Review**

The States appeal the Memorandum Opinion of the Honorable James E. Boasberg (Dkt. 137) (JA217-83) and accompanying Order (Dkt. 136) (JA216), both dated June 28, 2021, granting Defendant-Appellee Facebook, Inc.’s motion to dismiss and dismissing the case without leave to amend. The Memorandum Opinion (“Op.”) is reported at 549 F. Supp. 3d 6.

**C. Related Cases**

*FTC v. Meta Platforms, Inc.*, No. 1:20-cv-03590, pending before the United States District Court for the District of Columbia.

## CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1 and D.C. Circuit Rule 26.1, Defendant-Appellee Meta Platforms, Inc. (formerly known as Facebook, Inc.) submits the following corporate disclosure statement: Meta Platforms, Inc. has no parent corporation, and there is no publicly held corporation that owns 10% or more of its stock. Meta Platforms, Inc.'s general nature and purpose is to build useful and engaging products that enable people to connect and share through mobile devices, personal computers, virtual reality headsets, and in-home devices. Meta Platforms, Inc. generates substantially all its revenues from selling advertising placements.

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